

## **REMARKS**

### **A. Objections to Drawings**

In the Office Action of February 21, 2003, the drawings were objected to for failing to show the coupler being fastened either to the stator as recited in claims 3, 7 and 12 or to the stationary object as recited in claims 17, 18 and 22. Applicant is proposing an Amendment to the Drawings where a new FIG. 12 is presented. New FIG. 12 schematically shows the clamping force being applied between the coupling 50 and the stator 6 of the angle measuring device in that the sections 103 radially spread away from the stator 6. Support for this new FIG. 12 can be found at page 8, lines 27-29 of Applicant's specification which discusses a kinematic reversal of the embodiments shown in FIGS. 1-11. One of ordinary skill in the art would understand this is accomplished by interchanging elements 6 and 9 in FIG. 11. Since new FIG. 12 supports the inventions of claims 3, 7, 12, 17, 18 and 22, the objection is overcome and should be withdrawn.

### **B. Objections to Claims**

Claims 3, 7 and 12 were objected to for not being supported by the drawings. Claim 3 has been amended to replace the phrase "outer face" with "circumferential face" as suggested by the Office Action. Accordingly, the objection has been overcome and should be withdrawn.

Please note that the amendment of claim 3 is being made to correct an obvious error of form and since the present amendment of claim 3 does not change the intended meaning and scope of claim 3, the amendment is not related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722, 122 S. Ct. 1831 (2002).

**C. 35 U.S.C. § 112, First Paragraph**

Claims 3, 7, 12, 17, 18 and 22 were rejected under 35 U.S.C. § 112, first paragraph, because the inventions claimed are not described in the specification to enable one of ordinary skill to make and/or use the claimed invention. In particular, claim 3 was rejected because the specification failed to adequately disclose how the coupler is fastened to the stator by being clamped against a circumferential face of the stationary object. Applicant traverses this rejection in that Applicant's specification more than adequately several embodiments of a coupler for fastening to a stator. Examples of such couplers are shown in FIGS. 1-11. An explanation of the fastening for the embodiment of FIG. 1 with screws 12 can be found at page 4, line 28 to page 5, line 1 of Applicant's specification. Since one of ordinary skill in the art would understand from this disclosure how to fasten the coupler 10 to the stator 6 via screws 12, the rejection is improper and should be withdrawn. One of ordinary skill would also be able to understand to achieve

fastening via the riveting, gluing or welding mentioned at page 5, lines 1-2 of the specification.

It is noted that the rejection points out that the specification teaches that the coupler is fastened to the stationary object by using such devices as screws, riveting, gluing or welding and then recites claim 3. Applicant traverses this statement to the extent that it implies that claim 3 explicitly recites screws, riveting, gluing or welding. Claim 3 is silent as to such elements/methods. While claim 3 is silent to such elements/methods that does not mean that the claim does not encompass such elements/methods.

Claims 17 and 18 were rejected because the specification failed to adequately disclose how the coupler is fastened to the stationary object such that the contact face of the coupler engages the contact face of the stator to create a clamping force to fasten the stator to the coupler. Applicant traverses this rejection in that Applicant's specification at page 8, lines 27-29 describes clamping the coupler of FIGS. 1-11 between the coupler and the stator. One of ordinary skill in the art would understand that only elements 6 and 9 of FIGS. 1-11 need to be interchanged or the coupling needs to be turned (mirror-reversed) in order to accomplish the described clamping. One of ordinary skill would also understand that such alterations would result in the clamping force recited in claims 17 and 18. An example of this alteration and clamping force is shown in new FIG. 12.

Since one of ordinary skill in the art would understand how to make the invention recited in claims 17 and 18 based on the original specification, the rejection is improper and should be withdrawn.

**D. 35 U.S.C. § 102(b)**

Claims 17, 20 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Feichtinger et al. Applicant traverses this rejection. Independent claims 17 and 20 each recites a contact face that extends transversely to an axis of a rotor and engages a contact face of a coupler. In contrast, Feichtinger et al. discloses circumferential faces 8a, 8b, 9a, 9b of the coupling 2 that extend parallel with the axis of rotation. Since Feichtinger et al. does not disclose all of the recited elements of claims 17 and 20, claims 17 and 20 and their dependent claims are not anticipated by Feichtinger et al.

The rejection of claim 20 is improper for the additional reason that Feichtinger et al. does not disclose axially moving a measuring device to cause clamping of a coupler to a stationary object. Instead, Feichtinger et al. discloses clamping via faces 8a, 8b, 9a, 9b without the need for axial movement.

The rejection of claim 22 is improper for the additional reason that Feichtinger et al. does not disclose or suggest that the clamping force is generated by axial displacement of the stator.

Besides not being anticipated by Feichtinger et al., the claims are not rendered

obvious by Feichtinger et al. since there is no suggestion in Feichtinger et al. or the prior art to alter the device of Feichtinger et al. so that Feichtinger et al.'s faces extend transversely to the rotor's axis of rotation or axially moving a measuring device to cause clamping of a coupler to a stationary object.

**E. Claims 1, 2, 4-6, 8-11, 13-16, 19 and 21**

Applicant notes with appreciation that claims 1, 2, 4-6, 8-11, 13-16, 19 and 21 have been indicated to contain allowable subject matter.

**CONCLUSION**

In view of the arguments above, Applicant respectfully submits that all of the pending claims 1-22 are in condition for allowance and seeks an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office

Action and believes that an interview would be helpful to resolve any remaining issues,  
he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



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